



Dental Board of California
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Enforcement Committee
August 8-9, 2002
San Francisco, California

Minutes

Chairman Michael Pinkerton called the Enforcement Committee meeting to order at approximately 2:00 p.m. Roll was called and a quorum established.

Members Present

Michael Pinkerton, Public Member – Chair
LaDonna Drury-Klein, RDA
Chester Yokoyama, DDS
David Baron, Public Member

Members Absent

Alan H. Kaye, DDS

Staff Present

Alan Mangels, Attorney General Liaison
Norine Marks, Legal Counsel (came in while meeting in session)
Anita Scuri, Legal Counsel

ENFORCEMENT AGENDA ITEM 3 - Approval of Minutes - May 16, 2002

It was m/s/c (Yokoyama/Baron) to approve the minutes from the May 2002 meeting with changes as noted:

Discussion:

Anita Scuri conveyed changes noted by Norine Marks. Page 4, about one-half way down on paragraph that starts out, "Chairman Pinkerton inquired as to whether Dr. Kaye would consider amending his motion. He agreed, and legal counsel clarified that under §1043.6 the Board is entitled to pass or fail. If the applicant fails, the applicant is entitled to come back and appeal. That is accurate, but legal counsel did not know at the time that the applicant had already failed twice. Although the minutes are accurate insofar as what was said, they don't reflect what actually took place. This was called to the Enforcement Committee's attention even though it would not require a change in the minutes.

On page 5, sentence starting “Any other member. . .” The sentence should be struck out and should state, “If a quorum of the Board is present, members not on the committee may only be observers.”

Mr. Baron noted that his name was misspelled on some items and requested it be corrected.

**** Staff has made the changes to the May 2002 minutes.*

ENFORCEMENT AGENDA ITEM 4 - Special Permits Approval

This item was put over until 8:45 a.m., Friday August 9, 2002. Members did not have all items in the handouts for the agenda.

ENFORCEMENT AGENDA ITEM 5 – Approval of Extramural Dental Facilities

Dr. D. Allen Pulsipher
39755 Murrieta Hot Springs Road
Suite B130
Murrieta, CA 92356

Supervising Facility
Dr. D. Allen Pulsipher, DDS, MD
California License 41667
Oral & maxillofacial surgery

It was m/s/c (Baron/Yokoyama) to approve the extramural dental facility application.

Discussion:

Loma Linda University requesting an extramural facility.

ENFORCEMENT AGENDA ITEM 6 - Request to Issue a New License to Replace a Cancelled License

William S. Pourcho, DDS
303 Gray Woods Lane
Lake Angelus, MI 48326

5 year delinquency rule - practicing in State of Michigan.

It was m/s/c (Yokoyama/Baron) to approve issuing a new license to replace a cancelled license. Member Drury-Klein objected to approval.

Discussion:

Lynn Wood, California Dental Hygienist Association, inquired as to why the requirement for continuing education was 150 hours rather than 200 hours in the application. Ms. Wood noted that the applicant has less than 100 hours of verified continuing education. Staff counsel noted that the statute covering issuance of a new license for a cancelled license does not require a specific number of continuing education credits. Alan Mangels stated that, historically, the focus on this was the due regard for public safety. The thrust of the matter was that the applicant have the same amount of continuing education that would be required had the license been current.

LaDonna Drury-Klein stated that the number of continuing education hours submitted with the application is contradictory to the Board staff's check list and some hours were not verified.

Legal counsel, Anita Scuri, stated the committee could decide whether it wishes to make the person take the licensing exam or whether the committee wishes to do something in the alternative such as approve it contingent upon submission of what the committee agrees is sufficient continuing education. LaDonna Drury-Klein was concerned that the members would not know whether the contingency regarding continuing education was ever followed through by Board staff.

Bonnie Moorehead of the San Joaquin Dental Society commented that the dates regarding continuing education on the application are not specific. If the applicant is currently licensed in another state and has kept his license current, even if he doesn't have proof of the continuing education, the committee might want to consider what impact that would have on its decision. Chairman Pinkerton stated that continuing education credits needed for other professions are often self-certified. Alan Mangels clarified that the 200 units required was based on the 50 units per year requirement – adding up to 200.

Dr. Yokoyama was impressed by the letters of recommendation and felt comfortable about moving forward on this, even without the verified continuing education credits. Alan Mangels noted that the applicant indicated a previous discipline matter on his application.

Wallace M. Remsen, DDS

591 Rabbit Ridge Road
Reno, NV 89511

5 year delinquency rule - (presented, not approved at May 2002 meeting due to lack of information)

Retired moved to Nevada - teaching in dental hygiene field

It was m/s/c (Drury-Klein/Yokoyama) to defer a decision on this request until a competency evaluation at one of the dental schools in California was received. Upon completion of that evaluation, the application may come back to the Board for issuance of a license.

Discussion:

Dr. Remsen was present and he does not have plans to actively practice but plans to teach clinically either in California or Nevada. He has been teaching a dental materials laboratory to hygienists in Nevada. He feels he is a clinician and would love to teach clinically. In order to do that, he would need a Nevada license. Nevada has licensing by credential but the applicant has to have an active license in another state. He practiced 30 years in California, retired and moved to Lake Tahoe and then to Reno. The last time he saw a patient was in 1994.

Staff counsel reminded committee members that in issuing a license, they may practice any aspect of dentistry within the State of California. However, pursuant of §1718.3, the committee has the ability to impose conditions on the license such as some indication of continued competency if, as in this case, the dentist has not practiced for some time.

LaDonna Drury-Klein inquired as to whether the licensing by credential in Nevada requires that the applicant be actively participating in dentistry during a certain amount of time. Dr. Remsen clarified that it must be within the last five years, but that is also at the discretion of the Board. Member Drury-Klein clarified that if a person goes to Nevada with an out-of-state license, it's anticipated that the applicant has clinically worked within the last five-year time period. Dr. Remsen said that was presumed, but that is the discretion of the Nevada Board. Chairman Pinkerton made the observation that the Board has previously imposed retraining or certification requirements before reissuing a license. Dr. Remsen stated that was suggested by Board staff and he did go to UOP. The dean referred him to Dr. David Nielsen who is Associate Dean in charge of graduate studies. Dr. Remsen did go, but he was not examined for competency. Dr. Remsen suggested that the Board consider having him take the second, clinical portion of the National Boards.

Bonnie Moorehead clarified that only the state board exam is a hands-on clinical exam. She also stated that since Dr. Remsen had practiced orthodontics, and not general dentistry, it would be difficult to expect him to take the clinical exam based on general dentistry principles. UOP does have a restorative technique program for foreign dentists to see if they are capable of taking the state Board exam.

Oscar Holtzclaw, DDS
2416 Columbus Avenue
Sandusky, OH 44870

5 year delinquency rule - left CA and has been assisting in VA hospital

It was m/s/c (Klein/Yokoyama) to deny the application to issue a new license to replace a cancelled license.

Discussion:

Dr. Holtzclaw stated he lost his license because he didn't pay the fees when he went to Cleveland to care for his father. He was not aware that his license would cancel after a certain number of years if the fees were not paid. He's been working in Ohio at the federal and state level through a veteran's hospital. Ms. Drury-Klein inquired as to how long ago the doctor had worked on a patient. Dr. Holtzclaw stated he had worked on a patient about a week and a half ago. It's been 12 years since he worked on a patient in California.

Legal counsel clarified that this matter had been before the Board in April and the request was denied based on the amount of time Dr. Holtzclaw had been away from the practice of dentistry and the outdated letters of reference. He did supply another letter of reference and he is appealing the committee's decision. Committee member Drury-Klein clarified that the doctor was not licensed in Ohio. She stated that she has the same concerns as the previous application. She feels that the committee is in the position that to assess the general competence of a dentist who has not practiced in California in the last 12 years. Dr. Holtzclaw stated he has worked in Ohio part time in an exempt setting because a license is not required for him to work at the veteran's hospital. Dr. Yokoyama stated that a license in another state would have a bearing on the committee's decision. Upon inquiry, Dr. Holtzclaw stated he did not go through an evaluation in order to work at the veteran's home.

Upon motion to deny the application, staff counsel noted that the previous applicant was also not licensed in another state. Member Drury-Klein stated she was aware of that, but this had been a lapse of 12 years. Upon completion of the motion and the vote, staff counsel stated the applicant could apply to take the California licensing examination or he could try this process again after he has received a very good assessment of his competency to take the licensing exam.

ENFORCEMENT AGENDA ITEM 7 - Approval of Course in Administration of Oral Conscious Sedation for Minor Patients

UCSF - Course in oral medications and sedation

It was m/s/c (Yokoyama/Drury-Klein) to approve the course.

ENFORCEMENT AGENDA ITEM 8 – General Anesthesia/Conscious Sedation/Oral Conscious Sedation Permits

No items were presented for consideration

Public Comment

Dr. Stephen Morrow, Loma Linda School of Dentistry, commented on agenda items regarding renewal of cancelled licenses. There are situations where a doctor can continue his or her license by simply paying the required fees even though they may not be actively practicing. He requested the committee look at these situations. Legal counsel, Norine Marks, pointed out that the applicant must also comply with the continuing education requirements. Dr. Morrow noted that attending continuing education courses that are not participatory gives you foundational knowledge, but it does not give you clinical skills.

Chairman Pinkerton recessed the meeting until staff was available to assist with further action on Agenda Item 4.

The meeting reconvened at 8:45 a.m. on Friday, August 9, 2002 to discuss Agenda Item 4. All members and staff present at the August 8, 2002 meeting were present. Additional staff present were Assistant Executive Officer Richard DeCuir and Enforcement Coordinator Peggy Bagdasarian. A quorum was established.

ENFORCEMENT AGENDA ITEM 4 Special Permits Approval

Majed Ibrahim Moawad

University of California, San Francisco

School of Dentistry

Specialty: Orthodontics

It was m/s/c (Drury-Klein/Yokoyama) to deny the Special Permit application.

Discussion:

LaDonna Drury-Klein noted that there was no copy of the out-of-state license in the packet. The date in the application showed post-graduate studies prior to completing dental school. The dates in the application were full of inconsistencies.

Christine Inge Peters

University of the Pacific

School of Dentistry

Specialty: Endodontics

It was m/s/c (Drury-Klein/Baron) to approve the special permit application.

Discussion:

The application was complete.

Radhika Chigurupati

University of California, San Francisco

School of Dentistry

Specialty: Oral & Maxillofacial Surgery

It was m/s/c (Drury-Klein/Yokoyama) to deny the special permit application at this time with the provision to bring it back to the committee when further documentation was received.

Discussion:

Richard DeCuir pointed out that the out-of-state license certificate from the University of Pennsylvania did not show the dean's certification. The individual sent in his actual license. A certification from the dean is required. LaDonna Drury-Klein noted that there was no current contract from the applicant's present employer and no letters of recommendation.

The committee adjourned at 9:00 a.m.